Supreme Court, U.S.
FILED
MAR 24 1999
CLERK

No. 98-977

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1998

THE AMERICAN BIBLE SOCIETY, *et al.*,

Petitioners,

vs.

BOYD L. RICHIE, as Guardian
of the Estate of LOUISE T. PETER,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

RESPONDENT'S, THE ATTORNEY GENERAL OF TEXAS, BRIEF IN RESPONSE TO PETITION FOR WRIT OF CERTIORARI

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March 24, 1999

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PARTIES TO THE PROCEEDING

The Respondent submitting this response is the Attorney General of Texas. This Respondent was an Appellant in the Court of Appeals.

Other Respondents are Anderson University, Inc., d/b/a Anderson University, Mount Holyoke College, St. Olaf College, Smith College, Vassar College, Wittenberg University, Good Shepherd Home Foundation, Northwestern University, The Salvation Army, a New York Corporation, The Salvation Army, a Georgia Corporation, The Salvation Army, a California Corporation, The Salvation Army, an Illinois Corporation, United Church of Christ, Good Shepherd Home Foundation, and Gray, Plant, Mooty, Mooty & Bennett. These Respondents were among the Defendants-Appellants in the Court of Appeals.

Petitioners are The American Bible Society, The Moody Bible Institute of Chicago d/b/a Moody Bible Institute, American Leprosy Missions, Inc., The Lutheran Church-Missouri Synod, The Texas District, Lutheran Church-Missouri Synod, The Lutheran Foundation of Texas, Baptist Foundation of Texas, American Baptist Foundation, American Baptist Foreign Mission Society, The Evangelical Lutheran Church in America, General Conference Corporation of Seventh-Day Adventists d/b/a General Conference of Seventh-Day Adventists, Loma Linda University, University of Colorado Foundation, Inc., The American Council of Gift Annuities, Inc., Planned Giving Resources, Prerau & Teitell, Planned Giving Services, Inc., d/b/a Planned Giving Services, and Hay/Huggins Company, Inc., which were among the Defendants-Appellants in the Court of Appeals.

Respondent Boyd L. Richie, as Guardian of the Estate of Louise T. Peter, was Plaintiff-Appellee in the Court of Appeals.

The other party to the proceedings in the Court of Appeals was Defendant-Appellant Southern Baptist Convention.

QUESTION PRESENTED

The Attorney General of Texas agrees with Petitioners' presentation of their single question for review.

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An appearance and waiver form was filed in this matter on behalf of the Attorney General of Texas.

As previously noted by letter of November 5, 1997, Re: No. 97-309, *American Council on Gift Annuities, et al., v. Boyd L. Richie*, and No. 97-314, *American Bible Society, et al. v. Boyd L. Richie*, the Attorney General of Texas won his appeal in the United States Court of Appeals for the Fifth Circuit on a procedural question of intervention and no party challenged the Fifth Circuit's decision allowing the Attorney General to intervene. The Attorney General's intervention was not an issue addressed in previous Petitions for Writ of Certiorari, nor is it currently an issue addressed in the Petition for Writ of Certiorari here.

Although deemed a Respondent under Rule 12.6 of the Rules of the Supreme Court, the Attorney General has previously supported the positions of Petitioners regarding the legal issues raised in prior Petitions for Writ of Certiorari. The sanctions issue is not an issue in which the Attorney General has been involved. The Attorney General of Texas does have an interest in protecting the Texas general public's ability to contribute to charities and represents the public interest in proceedings involving charitable trusts, such as this case.

STATEMENT OF THE CASE

This Respondent agrees with Petitioners' Statement of the Case.

REASONS TO GRANT THE WRIT

This Respondent has no opposition to Petitioners' delineation of reasons to grant the writ of certiorari in this case.

CONCLUSION

For the reasons stated above, this Respondent has no opposition to Petitioners' request for a writ of certiorari to review the June 12, 1998 order of the United States Court of Appeals for the Fifth Circuit imposing sanctions under FED. R. APP. P. 38.

March 24, 1999

Respectfully submitted,

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